

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

ANTHONY BROOKS,

Plaintiff,

v.

NEVADA DEPARTMENT OF  
CORRECTIONS, *et. al.*,

Defendants.

Case No. 3:19-cv-00623-MMD-WGC

ORDER

Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge William G. Cobb recommending that this case be dismissed for Plaintiff Anthony Brook’s failure to submit a second amended complaint correcting the deficiencies of his first amended complaint noted in the screening order. (ECF No. 17.) Plaintiff has not filed an objection to the R&R, although he had until May 25, 2020, to do so. (*Id.*) The Court will adopt the R&R and dismiss this case.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation”).

1 The Court finds it unnecessary to engage in de novo review to determine whether  
2 to adopt Judge Cobb's R&R and is satisfied that there is no clear error upon reviewing the  
3 docket. Plaintiff was advised that failure to submit a second amended complaint by May  
4 2, 2020, would result in dismissal of this case. (ECF No. 16.) That date has long passed,  
5 and Plaintiff has provided no such complaint. The Court therefore agrees with the R&R  
6 that dismissal of this action is warranted. See *Thompson v. Hous. Auth. of City of L. A.*,  
7 782 F.2d 829, 831 (9th Cir. 1986) (recognizing that district courts have the inherent power  
8 to control their dockets and "[i]n the exercise of that power, they may impose sanctions  
9 including, where appropriate . . . dismissal" of a case); *Malone v. U.S. Postal Serv.*, 833  
10 F.2d 128, 130 (9th Cir. 1987) (dismissing case for failure to comply with court order).

11 It is therefore ordered, adjudged, and decreed that the Report and  
12 Recommendation of Magistrate Judge William G. Cobb (ECF No. 17) is accepted and  
13 adopted in full.

14 It is further ordered that this case is dismissed without prejudice.

15 The Clerk of the Court is directed to close this case.

16 DATED THIS 29<sup>th</sup> day of May 2020.

17  
18 

19 MIRANDA M. DU  
20 CHIEF UNITED STATES DISTRICT JUDGE  
21  
22  
23  
24  
25  
26  
27  
28